

### REMARKS

This communication is in response to final office action mailed on March 8, 2011 rejecting claims 1-4 and 12-14.

#### Claim rejections under 35 U.S.C. § § 102 and 103

Claims 1-3 and 13-14 were rejected under 35 U.S.C. §102(b) as anticipated by Ashe, U.S. Pat. No. 2,438,310 ("Ashe").

Ashe discloses at column 3, lines 30-50 that the seam 39 is not extensible but that the body 11 is extensible. Ashe discloses at column 1, lines 5 through 12 that his garment affords sufficient fullness in the crotch and by regions to allow complete freedom of body movement without binding or discomfort.

With this response, independent claims 1 and 14 have been amended to require that the seam connecting the back panel and the crotch part intersects a leg opening of the support garment such that the seam is spaced away from a lowermost edge and an uppermost edge of the leg opening.

Support for the language of amended independent claims 1 and 14 is located in the application as filed at least at page 6, lines 7-15; page 7, line 6-12; and in Figures 2-4 as permitted by M.P.E.P. §2163 I.B.

The specification teaches at page 3, lines 1-8 that this form of construction creates a bulge or a pouch in the back of the garment that makes more room in the crotch zone on the back of the garment, which consequently becomes more comfortable for the patient to use.

Ashe fails to teach or suggest or render obvious at least the limitations of amended independent claims 1 and 14 that require a seam connecting the back panel and the crotch part intersects a leg opening of the support garment such that the seam is spaced away from a lowermost edge and an uppermost edge of the leg opening.

Thus, it is respectfully requested that the rejections to claims 1-3 and 13-14 under 35 U.S.C. §102(b) over Ashe be withdrawn.

Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Ashe in view of Zagame, US patent number 5,613,893 ("Zagame"). Ashe fails to teach or suggest the limitation

of amended independent claim 1, and Zagame fails to cure the deficiency of Ashe in establishing the requisite prima facie case of obviousness in rejecting claim 4 under 35 U.S.C. §103.

Claim 12 was rejected under 35 U.S.C. §103(a) as unpatentable over Ashe in view of Beaupied, US patent number 4,888,006 ("Beaupied"). Ashe fails to teach or suggest the limitation of amended independent claim 1, and Beaupied fails to cure the deficiency of Ashe in establishing the requisite prima facie case of obviousness in rejecting claim 4 under 35 U.S.C. §103.

Thus, it is respectfully requested that the rejections to claims 4 and 12 under 35 U.S.C. §103 be withdrawn.

#### **CONCLUSION**

It is believed that pending claims 1-4 and 12-14 recite patentable subject matter and are in condition for allowance.

The Examiner is invited to telephone the undersigned if issues remain outstanding or to expedite examination leading to allowance of this application.

The office is authorized to charge any fees actually due and credit any overpayment to deposit account 50-4439.

Respectfully submitted,

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